

# HOUSE BILL REPORT

## HB 2062

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**As Reported by House Committee On:**  
State Government Operations & Accountability

**Title:** An act relating to tracking the voter registration of former felons.

**Brief Description:** Tracking the voter registration of former felons.

**Sponsors:** Representatives Darneille, Nixon, Simpson, Hunt, Upthegrove, Green, Chase, Dickerson, Moeller, Flannigan, Pettigrew, O'Brien, Kagi and Santos.

**Brief History:**

**Committee Activity:**

State Government Operations & Accountability: 2/28/05, 3/2/05 [DPS].

**Brief Summary of Substitute Bill**

- Restores an offender's right-to-vote upon release from confinement.
- Prohibits such an offender from voting for life if he or she re-offends after having his or her voting rights restored.

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**HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY**

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Haigh, Chair; Green, Vice Chair; Clements, Assistant Ranking Minority Member; McDermott and Miloscia.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Nixon, Ranking Minority Member; Hunt, Schindler and Sump.

**Staff:** Jim Morishima (786-7191).

**Background:**

The Washington State Constitution prohibits people convicted of an "infamous crime" from voting unless restored their civil rights. "Infamous crime" is defined as a crime punishable by death or imprisonment in a state correctional facility; i.e., a felony.

A criminal sentence pursuant to a felony conviction may include: A term of incarceration, a term of supervision in the community (community custody), an obligation to pay legal financial obligations (LFOs), or a combination of incarceration, community custody, and

LFOs. Legal financial obligations can include victim restitution, crime victims' compensation fees, costs of defense, court appointed attorneys fees, and fines.

If a person completes all the requirements of his or her sentence while under the supervision of the Department of Corrections (DOC), the DOC must notify the sentencing court. If the person completes all the requirements of his or her sentence, except payment of LFOs, the DOC must notify the county clerk. Once the person has completed payment of his or her LFOs, the county clerk must then notify the sentencing court. When the court receives adequate notification that the offender's sentence has been completed, it must issue the person a certificate of discharge, which restores most of the person's civil rights, including the right-to-vote.

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### **Summary of Substitute Bill:**

A convicted felon must have his or her right-to-vote restored when he or she is released from confinement. The restoration of voting rights does not affect the underlying obligation to pay the LFOs, any no-contact or restraining order issued against the person, or the person's ability to obtain a certificate of discharge. If a person whose voting rights were restored commits another felony, his or her right-to-vote will be lost for life.

When an offender is convicted of a felony that causes him or her to permanently lose his or her voting rights, the sentencing court must notify the Secretary of State (Secretary). The Secretary must then input the information in the elections database and transmit notice that the offender no longer has the right-to-vote to the county auditors.

### **Substitute Bill Compared to Original Bill:**

The substitute bill requires a felon's voting rights to be restored upon release from confinement; if the offender commits another felony after having previously had his or her right-to-vote restored, he or she will permanently lose his or her right-to-vote. The original bill allowed an offender to vote when he or she completed all requirements of his or her sentence except legal financial obligations. The substitute bill removes provisions in the original bill that required the DOC and the county clerk to notify the Secretary when a person's right-to-vote is restored. The substitute bill requires the sentencing court to notify the Secretary when a repeat offender loses the right-to-vote. The substitute bill requires the Secretary to store the data in the elections database and inform every county auditor in the state that the offender has lost the right-to-vote.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** Almost every offender owes legal financial obligations when released from confinement. However, because of high interest rates and other factors, many offenders will never be able to complete payment. Offenders should be reintegrated into society when they are released, which includes the right-to-vote. Legal financial obligations often create a longer sentence for offenders and discriminate against people on the basis of income. Restoration of voting rights is currently a complicated process that creates confusion for both the offender and local officials. This bill creates a simpler restoration process and does not affect the current certificate of discharge process. This bill will also help local governments track who can vote and who cannot. Offenders are thoughtful, articulate, and have dignity. The right-to-vote should not be used as a bargaining chip to encourage people to pay their legal financial obligations.

**Testimony Against:** The persons who are forgotten in this discussion are the victims. Legal financial obligations contain restitution to the victims and this bill would remove some of the incentive to pay those obligations.

**Persons Testifying:** (In support) Representative Darnielle, prime sponsor; Jennifer Shaw and Marcia Wood, American Civil Liberties Union; Bill Daley, Washington Citizen Action; Kim Justice, Statewide Poverty Action Network; and Samuel Merrill.

(Opposed) Debbie Wilke, Washington Association of County Officials.

**Persons Signed In To Testify But Not Testifying:** None.